

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

DENNIS SMITH,	)	
	)	
Plaintiff,	)	
	)	
v.	)	C.A. No. 98-639-JJF
	)	
EX-POLICE CHIEF GUY D.	)	
BAYNARD,	)	
	)	
Defendant.	)	

**DEFENDANT'S MOTION FOR LEAVE TO FILE MEMORANDUM  
OF POINTS AND AUTHORITIES IN LIEU OF AN OPENING BRIEF**

Defendant and requests permission to file a Memorandum of Points and Authorities in lieu of an opening brief pursuant to Dist. Ct. C.R. 7.1.2 (b). In support of his Motion, defendant states as follows:

1. Dist. Ct. L.R. 7.1.2(b) provides that "(t)he Court may order or the parties may agree to serve and file...statements of points and authorities in memorandum form in place of briefs."

2. The arguments set forth in Defendant's Motion to Strike do not require complex factual or legal analysis.

**WHEREFORE**, Defendant Baynard respectfully requests permission to file a Memorandum of Points and Authorities in Lieu of an Opening Brief.

AKIN & HERRON, P.A.

/s/ Bruce C. Herron  
Bruce C. Herron  
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Wilmington, DE 19806  
(302) 427-6987  
Attorneys for Defendant

SO ORDERED THIS \_\_\_\_\_ day of \_\_\_\_\_, 2007.

\_\_\_\_\_  
United States District Court Judge

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Plaintiff,	)	
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v.	)	C.A. No. 98-639-JJF
	)	
EX-POLICE CHIEF GUY D.	)	
BAYNARD,	)	
	)	
Defendant.	)	

NOTICE OF SERVICE

I **HEREBY CERTIFY** that on this 7<sup>th</sup> day of August, 2007, a  
copy of **DEFENDANT'S MOTION FOR LEAVE TO FILE MEMORANDUM OF POINTS  
AND AUTHORITIES IN LIEU OF AN OPENING BRIEF** was served  
electronically and mailed first class upon the following party:

Mr. Dennis Lee Smith  
P.O. Box 311  
Selbyville, DE 19975

**AKIN & HERRON, P.A.**

/s/ Bruce C. Herron  
Bruce C. Herron  
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